

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON DELAWARE INC., AND VIC-RMTS-DC,)
L.L.C., D/B/A VERIZON AVENUE, FOR APPROVAL) PSC DOCKET NO. 03-84
OF AN INTERCONNECTION AGREEMENT PURSUANT)
TO SECTION 252(e) OF THE TELECOMMUNICA-)
TIONS ACT OF 1996 (FILED FEBRUARY 27, 2003))

FINDINGS, OPINION, AND ORDER NO. 6408

A. BACKGROUND

1. On February 27, 2003, VIC-RMTS-DC, L.L.C., d/b/a Verizon Avenue ("Verizon Avenue"), and Verizon Delaware Inc. ("Verizon"), submitted to the Commission an interconnection agreement negotiated between the two parties. By PSC Order No. 6163 (May 20, 2003), the Commission approved the negotiated agreement under the standards set forth in 47 U.S.C. § 252(e)(2)(A). That Order required the parties to submit for approval any later changes to the approved agreement.

2. On February 24, 2004, Verizon filed a letter including Amendment No. 1 to the Interconnection Agreement between Verizon and Verizon Avenue. The Amendment, effective January 6, 2004, adds provisions to the original agreement to give contractual effect to changes made by the Federal Communications Commission's Triennial Review Order ("TRO") issued on October 3, 2003.

3. Pursuant to Guideline 30 of the Commission's "Guidelines for Negotiations, Mediation, Arbitration, and Approval of Agreements Between Local Exchange Telecommunications Carriers" (as revised effective May 10, 2001), notice of the filing of the Amendment was posted on the Commission's website.

4. Only Staff filed comments in response to the notice. Staff reported that there was no reason to reject the proffered Amendment. The Commission will consider the Amendment at its meeting of May 4, 2004.

B. FINDINGS AND OPINION

5. The Commission has the authority and jurisdiction to review the Amendment to the interconnection agreement under 47 U.S.C. § 252(e)(1) and 26 Del. C. § 703(4).

6. The Commission determines that there is no reason to reject the Amendment under the review criteria set forth in 47 U.S.C. § 252(e)(2)(A). The Commission has not received any information to suggest that the terms of this Amendment discriminate against other carriers or that implementation of the Amendment would be inconsistent with the public interest.

7. The approval granted here is given under the terms of 47 U.S.C. § 252(e)(2)(A). Specifically, the Commission does not make any finding whether the terms and prices set forth in the Amendment meet the substantive requirements of 47 U.S.C. § 251 or the pricing standard under 47 U.S.C. § 252(d).

C. ORDERING PARAGRAPHS

Now, therefore, this 4th day of May, 2004, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 1, submitted by Verizon Delaware Inc., and VIC-RMTS-DC, L.L.C., d/b/a Verizon Avenue, on February 24, 2004, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, within ten (10) days of this Order, Verizon Delaware Inc., and VIC-RMTS-DC, L.L.C., d/b/a Verizon Avenue, shall file with the Commission a revised, complete interconnection agreement that shall

incorporate Amendment No. 1. The revised agreement may substitute the new provisions or attach the amendment to the previously approved interconnection agreement. The revised agreement shall be available for public inspection and copying pursuant to the provisions of 47 U.S.C. § 252(h).

3. That, pursuant to the provisions of 47 U.S.C. § 252(i), Verizon Delaware Inc., shall make available any interconnection, service, or network element provided under the above agreement to any other requesting telecommunications carrier upon the same terms and conditions as provided in the agreement.

4. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

/s/ Joshua M. Twilley
Vice Chair

/s/ Jaymes B. Lester
Commissioner

/s/ Joann T. Conaway
Commissioner

ATTEST:

/s/ Donald J. Puglisi
Commissioner

/s/ Karen J. Nickerson
Secretary